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10/618,223	07/11/2003	Eric K. Mangiardi	37621/51301	4411

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EXAMINER	
LLOYD, EMILY M	
ART UNIT	PAPER NUMBER
3736	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/618,223	MANGIARDI ET AL.	
	Examiner	Art Unit	
	EMILY M. LLOYD	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2009 and 24 November 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-24,37,39-42,45,46,48-50,52-54,56 and 57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-24,37,39-42,45,46,48-50,52-54,56 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 24 November 2009 has been entered. Further, the arguments in the Reply Brief filed 2 October 2009 were considered and are addressed below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5, 12 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 7 and 37 recite that the inward facing surfaces of the legs are in flush contact with one another from the distal

ends of the legs to the proximal ends of the legs when the measurement assembly is closed within the exterior conduit. Claims 5, 12 and 41 recite that the distal ends of the legs are coupled together as shown in the embodiment of figures 14-18. The original disclosure states, "when the legs are constrained by the exterior conduit 130 they lay substantially flush with respect to one another" (page 9, lines 16-17). However, this statement pertains to the embodiment of figures 1-13 when the distal ends of the legs are not coupled together. Regarding the embodiment of figures 14-18, the original disclosure states, "when the measurement assembly is retracted, the legs are relaxed and reside adjacent one another so that the legs may be retracted within the exterior conduit" (page 10, lines 23-26). However, the original disclosure does not appear to support inward facing surfaces of the legs in the embodiment of figures 14-18 being in flush contact with one another from the distal ends of the legs to the proximal ends of the legs when the measurement assembly is closed within the exterior conduit. Therefore, the subject matter of claims 5, 12 and 41 does not appear to be properly supported by the original disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3-8, 10-24, 37, 39-42, 45, 48, 52 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US 5,919,147) in view of Colvin et al. (US 5,010,892), Haddock et al. (US 6,712,771), Doi (US 6,033,359), and Baxter-Jones (US 6,450,977).

Jain teaches a body lumen measuring device for measuring a target segment of a lumen of a patient so as to select a suitable interventional prosthesis. The device (10) includes an exterior conduit (22); an interior conduit (24) slidably disposed within the

exterior conduit and having a depth marking mechanism (42); a measurement assembly (26 or 54) including a plurality of legs (44 or 56, 58) coupled with each other proximal the distal ends thereof and coupled about the distal end of the interior conduit; and a handle (24, 30) operatively connected with the measurement assembly. The handle includes means for opening and closing the measurement assembly by actuating the handle along a continuum between a first closed configuration and a second open configuration. The inward facing surfaces along a portion of the legs are in flush contact with one another along a portion distal of the proximal ends when the measurement assembly is closed within the exterior conduit (see figure 2). The legs form an acute angle with respect to one another as the measurement assembly is moved distally in relation to the first conduit (see figures 3 and 6). In an alternative embodiment, the distal ends of the legs are coupled together (see figures 5 and 6). The handle further includes the measurement indicator, wherein target lumen dimensions are calculated based on the relative distance the handle travels along the continuum between the first and second handle locations (column 1, lines 45-47). The device is used to measure a target segment of a lumen of a patient so as to select a suitable interventional prosthesis (column 1, lines 16-20). In operation, the device is introduced into an appropriate anatomical orifice of a patient; delivered adjacent a target segment of a lumen within the patient; and the diameter of the target segment is measured within the patient (paragraph bridging columns 3 and 4). The device further comprises an optical scope to view placement of the measurement assembly (column 3, lines 57-58).

Jain teaches all of the limitations of the claims except that the exterior conduit has measurement markers formed on a portion thereof, that the depth markings on the interior conduit are visible through the exterior conduit, measuring length of a target segment, measuring dimensions of a stenotic segment, that the inward facing surfaces of the legs are in flush contact with one another from the distal ends of the legs to the proximal ends of the legs when the measurement assembly is closed within the exterior conduit, that the lumen facing surface of each of the legs includes a plurality of measurement markers, and that the exterior conduit is configured to engage the measurement markers.

Colvin et al. teach a body lumen measuring device that is capable of allowing a user to calculate the length and diameter of a suitable interventional prosthesis as well as the height and length of stenosis during the same exploratory procedure. The device (10) includes an exterior conduit (12) having measurement markers (24) formed on a portion thereof; an interior conduit (16) slidably disposed within the exterior conduit and having a depth marking mechanism (22) which may be visible through a portion of the exterior conduit (20); a measurement assembly including a plurality of legs (54a-54c) coupled with each other proximal the distal ends thereof and coupled about the distal end of the interior conduit; and a handle (14) operatively connected with the measurement assembly. The handle includes means for opening and closing the measurement assembly (18) by actuating the handle along a continuum between a first closed configuration and a second open configuration. An optical endoscope may be operatively coupled therewith, so that the measuring step may be accomplished using

the optical endoscope. The device may be used to measure the diameter and length of a target segment of the lumen within the patient, including the height and length of the stenosis (column 3, lines 65-66).

Applicant has not disclosed that using a measurement indicator arrangement having a plurality of measurement markers formed on a portion of the exterior conduit and a depth marking mechanism on the interior conduit that is visible through a portion of the exterior conduit solves any stated problem or is for any particular purpose. Moreover, it appears that the measurement indicator arrangement of Jain, or applicant's invention, would perform equally well with the plurality of measurement markers formed on a portion of the exterior conduit and a depth marking mechanism on the interior conduit that is visible through a portion of the exterior conduit, similar to the arrangement taught by Colvin et al. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Jain to include a measurement indicator arrangement similar to that of Colvin et al., because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Jain.

As noted above, Colvin et al. teach measuring height and length of body lumens including that of stenotic lumens to facilitate accurate sizing of a device to be placed in the lumen. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have measured the length of a target lumen and height and length of stenoses as taught by Colvin et al. in the method of Jain in order to obtain

additional information about the proper size of a device to be inserted into a body lumen.

Haddock et al. disclose legs (302 in figures 3A-B or 310 in figure 3C) of a measurement assembly, wherein inward facing surfaces of the legs are in flush contact with one another from the distal ends of the legs to the proximal ends of the legs when the measurement assembly is closed within an exterior conduit (300). The flush legs of Haddock et al. would be advantageous since relative movement of the legs would be prevented when the legs are stored within the exterior conduit. Thus, potential damage to the legs would be avoided before the device is used. Furthermore, one of ordinary skill in the art would recognize that allowing the legs to be closed in flush contact along their entire lengths would allow the diameter of the conduit to be reduced allowing access to smaller lumens in the body. It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the legs of Jain as modified by Colvin et al. so that the legs are in flush contact along their entire lengths when the measurement assembly is closed within an exterior conduit as taught by Haddock et al. in order to prevent relative movement and damage to the legs before the legs are extended from the exterior conduit and to reduce the overall diameter of the conduit so that smaller body lumens can be accessed by the device.

Doi teaches a plurality of measurement markers (8) on the lumen facing surfaces of legs (3) that are capable of providing information regarding the diameter of the target segment using an optical system (column 3, lines 48-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have made

a plurality of measurements markers on each leg of Jain as modified by Colvin et al. and Haddock et al. as taught by Doi in order to achieve the predictable result of providing appropriate markers on a measurement tool to obtain measurements within a patient.

Baxter-Jones teaches a lip that extends from the distal end of an exterior conduit (1116) to engage detents (1130) defined in an elongated measurement member (1108). Since the exterior conduit (1116) is flexible, the exterior conduit will temporarily form a lip when slid over the detents. Baxter Jones teaches incorporating the detents with measurement markings for the purpose of locking the elongated measurement member (1108) with the exterior conduit (1116).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have used a lip that engages detents as taught by Baxter-Jones in the device of Jain as modified by Colvin et al., Haddock et al. and Doi in order to achieve the predictable result of releasably locking the legs with the exterior conduit.

8. Claims 46, 49, 50, 53, 54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain as combined with Colvin et al., Haddock et al., Doi, and Baxter-Jones as applied to claims 1, 3-8, 10-24, 37, 39-42, 45, 48, 52 and 56 above, and further in view of Baumann (US 4972584).

Jain as combined with Colvin et al., Haddock et al., Doi, and Baxter-Jones teach the devices of claims 45 and 56 and the methods of claims 48 and 52. Jain as combined with Colvin et al., Haddock et al., Doi, and Baxter-Jones do not teach that the

distal end of the exterior conduit comprises a lip protruding from the inner surface that is configured to engage the detents. Baumann teaches an exterior conduit (54) comprising inner and outer surfaces, and wherein the distal end of the exterior conduit comprises a lip (46 in Figure 3 or 57 in Figure 6 or 7) protruding from the inner surface that is configured to engage detents (49), and measuring by displacing the exterior conduit and measurement assembly (49a on 11) relative to one another such that the lip engages a detent (Figure 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the lip protruding from the inner surface that is configured to engage the detents as taught by Baumann in the invention of Jain as modified by Colvin et al., Haddock et al., Doi, and Baxter-Jones to provide for easily repeatable measurements among various users, without the need for estimating how far between two detents or measurements the device is. As combined with Jain as modified by Colvin et al., Haddock et al., Doi, and Baxter-Jones, the lip would engage the detents defined in the legs.

Response to Arguments

9. In regards to the 35 U.S.C. 112 first paragraph rejection of claims 5, 12 and 41, Applicant argues that the term adjacent was used to describe legs that are flush to one another. However, stating that the legs are adjacent does not necessarily mean that the legs are in flush contact along the entire length as claimed. Applicant further argues that the only difference between the embodiments is that the distal ends of the legs are coupled together in figures 14-18. However, since different language was used in the

original disclosure to describe the configuration of the legs in the closed configuration for each embodiment, one can not presume that the flush contact in the first embodiment is implied in the second embodiment. In regards to the comments regarding Figure 18, it is respectfully submitted that one would need to see a cross-sectional view of the second embodiment in the closed configuration to determine if the legs are in flush contact.

10. Regarding Applicant's argument in the Reply Brief that the embodiment of Figures 14-18 is claimed in claims 1, 7, 24 and 37, the Examiner disagrees, as the limitation of "wherein the inward facing surfaces of the legs are in flush contact with one another from the distal ends of the legs to the proximal ends of the legs when the measurement assembly is closed within the exterior conduit" (claims 1, 7, 24 and 37) is only supported by the embodiment of Figures 1-13 (see Figures 9 and 12 and Applicant's specification page 9 lines 16-17) and not by the embodiment of Figures 14-18 (see page 10 lines 23-26 describing the legs as "adjacent" instead of "flush"). See also the paragraph immediately above.

11. Regarding Applicant's arguments that Jain as modified by Haddock et al. do not teach "inward facing surfaces of the legs that are in flush contact with one another between their proximal and distal ends", the Examiner disagrees. See Figures 3A-3C of Haddock et al. Regarding Applicant's argument that Jain teaches away from Haddock et al. by providing wire filaments that fan outwardly within a sheath, the Examiner notes that Applicant has not disclosed any portion of a reference that states that the reference cannot be modified to be used a different way. Further, both references contain

structures that expand inside a tubular member to contact the tubular member and measure some aspect of the tubular member. As such, one of ordinary skill in the art would look towards structures that expand from an exterior conduit to contact tubular structures when looking to measure tubular structures.

12. In response to Applicant's argument that Baxter-Jones is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Baxter-Jones is a measuring devices for measuring parts of the body.

13. In response to Applicant's argument that no motivation was provided for modified Jain as modified by Doi with the invention of Baxter-Jones, the Examiner notes that motivation was provided in "Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have used a lip that engages detents as taught by Baxter-Jones in the device of Jain as modified by Colvin et al., Haddock et al. and Doi in order to achieve the predictable result of releasably locking the legs with the exterior conduit."

14. Regarding Applicant's arguments that Jain and Doi do not disclose an exterior conduit that is configured to engage measurement markers defined on the lumen-facing surfaces of a plurality of legs, the Examiner notes that all the references, as combined, teach this limitation. The Examiner further notes that Doi's markers are not limited to being painted on, as Doi states "The scale 8 can be formed, for example, by painting

lines in a cylindrical manner on the outer surface of the flexible tube 1.... However, the scale 8 may be modified in various manners depending on the intended use of the length-measuring tool." (Doi Column 3 lines 12-14 and 16-18) The Examiner notes that one having ordinary skill in the art at the time the invention was made would have known that measurements markers can be painted on, carved into, or projected from a measurement tool, as is known for producing a ruler. Further, Doi was cited for teaching measurement markers on the lumen facing surfaces of legs; Baxter-Jones was cited for teaching an exterior conduit that is configured to engage measurement markers, and the measurement markers of Baxter-Jones are capable of being engaged. Regarding Applicant's argument that the Examiner interpreted "modified in various manners depending on the intended use of the length-measuring tool" as engagable markers without "some articulate reasoning", the Examiner notes that "The Examiner notes that one having ordinary skill in the art at the time the invention was made would have known that measurements markers can be painted on, carved into, or projected from a measurement tool, as is known for producing a ruler." was provided and is articulated reasoning.

15. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

16. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, Baxter-Jones teaches an exterior conduit that engages detents that coincide with measurement markings for the purpose of measuring the body. Claimed elements not taught by Baxter-Jones are provided in the other references discussed above. Additionally, the measurement indicators on the lumen facing surfaces was combined with the legs of Jain and Colvin et al., and as combined, the legs of Jain and Colvin et al. with measurement indicators (Doi) and detents (Baxter-Jones) would work with the indicator of Baxter-Jones.

17. Regarding Applicant's arguments that claims 45, 48, 52 and 56 require indentations because of the claim language "the measurement markers of the legs comprise detents defined therein", the Examiner disagrees. The Examiner notes that Baxter-Jones uses "unidirectional detent 1130b" (Column 19 line 41) to describe the projections of Figure 12b as cited above, and that the dictionary (Merriam Webster's Collegiate Dictionary Tenth Edition Copyright 1997 page 1223) defines "therein" as "1. in that place 2. In that circumstance or respect". Therefore, the claim was not interpreted as requiring measurement markers "carved into the legs so as to form detent or lip catches" (Applicant's 8 June 2009 Supplemental Appeal Brief, page 16, the sixth

line of the second paragraph, quoting Applicant's specification, page 10 lines 5-6) as this was not the language claimed. Further, the Examiner notes that Baxter-Jones teaches measurement markers comprising detents, and, as combined with the device of Jain as modified by Colvin et al., Haddock et al. and Doi, these detents would be on the legs. Further, the Examiner notes that the citation of Baxter-Jones indicates that their definition of "detent" includes what is shown in Figure 12b; as Applicant is claiming a "detent" and Baxter-Jones discloses a "detent", Baxter-Jones (as combined with Jain as modified by Colvin et al., Haddock et al. and Doi) teach Applicant's claim language. Further, Applicant argues about their ability to be their own lexicographer but has not provided the information required in MPEP 2111.01 IV Applicant May Be Own Lexicographer.

18. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the detents are carved into the legs" and "the measurement markers of the legs comprise detents defined therein") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. In response to applicant's argument that Baumann is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Baumann is analogous art as it is part of the art of measurement devices.

20. Regarding Applicant's arguments that the detents of Baxter-Jones could not be used with the lip of Baumann, the Examiner notes that one of ordinary skill in the art at the time the invention was made would have known to substitute the detents (notches 49 Figures 6 and 7) of Baumann for the projection-type detents of Baxter-Jones. The Examiner notes that one having ordinary skill in the art at the time the invention was made would have known that having two parts grasp or hold each other at particular points would be best accomplished with one part having an extension or lip and the other part having an indentation or a piece of material cut out or removed. Further, Baumann specifically teaches the detents in the substitution described by the Examiner.

21. Regarding Applicant's arguments that Baumann does not teach that the end of an exterior conduit comprises a lip protruding from the inner surface that is configured to engage detents, the Examiner disagrees. The Examiner notes that Baumann teaches an exterior conduit (54) comprising inner and outer surfaces, wherein the distal end of the exterior conduit comprises a lip (46 in Figure 3 or 57 in Figure 6 or 7) protruding from the inner surface that is configured to engage detents (49). The Examiner notes that element 46 and outer end 57 both protrude from the inner surface. The Examiner further notes that dictionary definitions of lip include "projecting part" and that elements 46 and 57 of Baumann are projecting parts. The Examiner also notes that the portion of the exterior conduit contacting element 11 must be on/part of the inner surface in order to contact element 11 which is on the inside of the exterior conduit. Further, it is unclear

how the outer surface of the exterior conduit can contact/engage the outer surface of a structure inside the exterior conduit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. LLOYD whose telephone number is (571)272-2951. The examiner can normally be reached on Monday through Friday 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emily M Lloyd
Examiner
Art Unit 3736

/EML/

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736